



Guidelines for Reviewing and Commenting on Pollutant Reduction and Total Maximum Daily Load Plans





About PennFuture

PennFuture works to protect Pennsylvanian's air, water, and land by empowering citizens to build sustainable communities for future generations. We protect your health, your environment, your climate, and your access to natural land. We enforce environmental laws with a team of lawyers to protect your right to clean air and clean water and work in Harrisburg to defend and support laws that protect the environment and public health.

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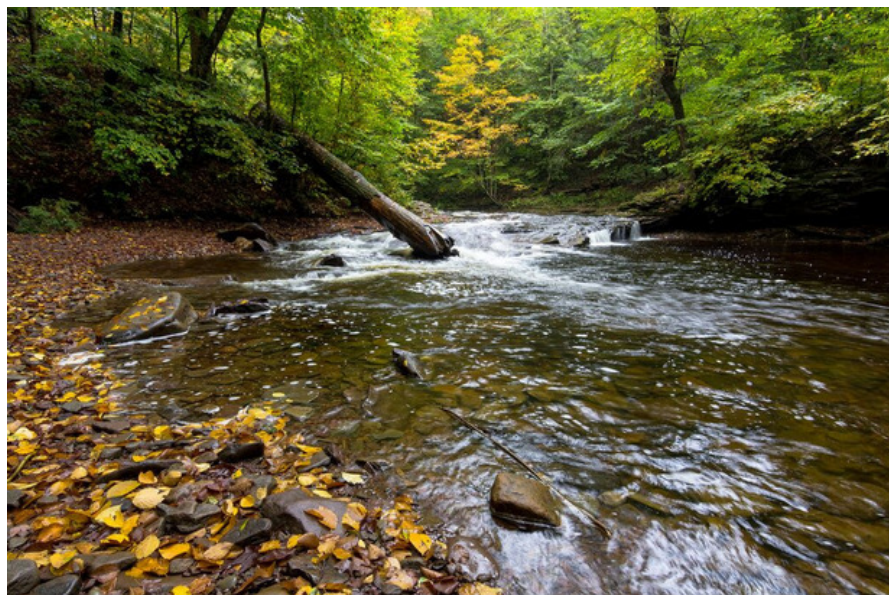
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Pennsylvania's General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4), known as PAG-13, goes into effect on March 16, 2018. In order to receive coverage under this permit, municipalities must submit a notice of intent to be covered by the permit to the Pennsylvania Department of Environmental Protection (DEP). Municipalities that discharge into waters that are impaired for nutrients or sediment, or discharge into the Chesapeake Bay watershed, must include with their notice of intent a pollutant reduction plan (PRP) and provide an opportunity for public comment on that plan. The notice of intent must be submitted at least 180 days prior to the PAG-13 effective date, which means that municipalities must seek public comment on their pollutant reduction plans this summer (2017). This is an opportunity for watershed groups and citizens to voice concerns and improve the quality of the plans – and their waters.

The Public Comment Process

Municipalities must publish a notice of the availability of their draft PRP in a newspaper of general circulation. Municipalities must accept public comment for at least 30 days from the date of the public notice and hold a public hearing or meeting. Outlined below are the elements that the plan must contain and some questions to ask in reviewing and preparing public comment on these plans.



Map

Each PRP must include a map with sufficient detail to identify land use boundaries, particularly between pervious and impervious surfaces. The map must also include a boundary line of the storm sewershed, the land area that drains to either the municipal separate storm sewer system or an individual discharge point or "outfall." The land area that drains to the municipal separate storm sewer system and is located within the municipality's boundaries is known as the Planning Area. The map should also indicate the location of proposed structural Best Management Practices (which are discussed below).

Questions to Ask:

- Does the map provide sufficient detail to identify sewersheds?
- Does the map distinguish between pervious and impervious services?
- Does the map provide any other details that might be helpful, such as waterways' designations (including HQ or EV status) or impairment status?
- Has the applicant "parsed" (removed) land area from the Planning Area in order to calculate the actual or target pollutant loads that are applicable to an MS4? Reduction from BMPs located in areas parsed from the Planning Area may not be counted towards an applicant's required reductions.



1 DEP. Example storm sewershed map

Existing Loading/Waste Load Allocations

The existing loading is the amount of that pollutant the municipal separate storm sewer system is contributing to local waters before the requirements of this MS4 permit are implemented.

The existing load of each pollutant causing an impairment must be calculated and reported for the portion of the PRP Planning Area that drains to impaired waters. The load should be expressed in pounds per year.

Questions to Ask:

- *What is the date of the existing load calculation? Have there been significant increases or decreases to the amount of pollutants in the stormwater since the calculation was conducted?*
- *What was the methodology used to calculate the current load? Is this the same as the method used to calculate the load reduction (discussed below)?*
- *Are there any previously installed BMPs being counted to reduce the existing load? If so, are these BMPs being appropriately maintained so that they continue to reduce pollution by the designated amount?*

Best Management Practices (BMPs)

Best Management Practices are schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutant loading to surface waters. There are two major types of BMPs: non-structural and structural. Non-structural BMPs involve designing plans to mitigate potential harms caused by polluted stormwater entering a the receiving waterway or water body. Examples of effective non-structural BMPs include developing a master plan or zoning ordinance that reduces the impact of polluted stormwater by (e.g.) providing incentives to concentrate development and preserve natural features, or establishing an ordinance to encourage behavior to reduce stormwater pollution. Structural BMPs are practices that involve the physical placement of preventative measures to mitigate potential harms caused by polluted stormwater entering the receiving water. Examples of effective structural BMPs include infiltration basins (which aim to filter the water through soil to reduce the amount of polluted stormwater) and retention basins (which collect polluted stormwater in basins instead of allowing it to run off into clean water sources).

The PRP must propose the implementation of BMPs or land use changes within the PRP Planning Area that will result in meeting the minimum required reductions in pollutant loading within the Planning Area. Effectiveness values, or pollutant removal efficiencies, must be used to determine the amount of reduction each BMP will provide. All MS4s must use the BMP effectiveness values contained within [DEP's BMP Effectiveness Values document](#), or Chesapeake Bay Program expert panel reports for BMPs listed in those resources, when determining pollutant load reductions in PRPs, except as otherwise approved by DEP.

Required Reductions

	Sediment	Total phosphorus (TP)	Total nitrogen
Chesapeake Bay	10 % reduction	5 % reduction	3 % reduction
Other impaired waters			
• Siltation only	10 % reduction	N/A	N/A
• Nutrients only	N/A	5 % reduction	N/A
• Both siltation and nutrients*	10 % reduction	5 % reduction	N/A

* PRPs may use a presumptive approach in which it is assumed that a 10% sediment reduction will also accomplish a 5% TP reduction.

BMPs are required to be implemented within 5 years of DEP's approval of coverage under the PAG-13 General Permit or an individual permit, and the PRP must include a description of that BMP implementation schedule.

Additionally, if the applicant is aware of BMPs that will be implemented by others (either in cooperation with the MS4 municipality or otherwise) within the PRP Planning Area that will result in net pollutant loading reductions, the applicant may include those BMPs within its PRP.



Questions to Ask:

- *Are the applicable reduction requirements satisfied?*
- *Are the BMPs the plan is taking reduction credit for available to any other regulated MS4? If so, are they distributed between the MS4s in an appropriate fashion?*
- *Does the proposed plan provide for implementation of all BMPs within the 5-year term of the permit?*
- *Does the implementation timeframe for the plan seem reasonable?*
- *Are there other BMPs planned that are not included in the plan and should be?*
- *Are credits from BMPs implemented by others being allocated appropriately between MS4 permits?*

Funding

The applicant must describe the proposed method(s) by which it will fund the BMPs. Applicants must identify all project sponsors and partners and probable funding sources for each BMP.

Questions to Ask:

- *Is the pollutant reduction plan financially viable?*
- *Does the funding plan include implementation and operations and maintenance costs of the plan?*
- *Has the applicant explored a variety of funding mechanisms, including grants, loans, and implementing a stormwater management fee?*

Responsible Parties for Operation and Maintenance

Permittees have an obligation to properly operate and maintain all facilities and systems of treatment and control that are installed or used by the permittee to achieve compliance with the conditions of PAG-13. For the PRP, applicants must identify the following for each selected BMP:

- The party(ies) responsible for ongoing operations and maintenance (O&M);
- The activities involved with O&M for each BMP; and
- The frequency at which O&M activities will occur.

Questions to Ask:

- *Are parties besides the applicant responsible for O&M? If so, are these parties appropriately identified? Are the obligations of the third party clearly defined?*
- *Can you or your organization provide assistance through operations and maintenance?*
- *How will the municipality ensure that O&M requirements are taking place? Will a record be made and maintained for each inspection? Are these records available for review?*
- *Does the plan set forth a regular schedule during which O&M at each BMP will take place? Is the time between each inspection reasonable?*
- *Is there a mechanism for citizens to report BMPs that may need maintenance?*
- *If proper O&M is not taking place, is there an enforcement mechanism?*

Joint Pollutant Reduction Plans

Two or more applicants may submit joint pollutant reduction plans. DEP expects that applicants submitting joint plans will have contiguous land areas. The area to be used to calculate existing loads is the PRP Planning Area for all MS4 jurisdictions. The relationship between the applicants must be documented in a written agreement. DEP expects that such an agreement address the following topics:

- Scope of the agreement;
- Roles and responsibilities of each participant;
- Allocation of cost and pollution reduction; and
- Timeline for implementation.

Questions to Ask:

- *Do the joint applicants have contiguous lands?*
- *Is there a written agreement? Does it appropriately include all the topics that DEP listed?*

For more information on MS4s, please see our dedicated blog post, ["Managing Stormwater: A Leading Cause of Pollution."](#)



www.pennfuture.org

Contact PennFuture:
info@pennfuture.org
800-321-7775
610 North Third Street
Harrisburg, PA 17101

